

Welcome to the Center Judge Advocate's Office. This worksheet will answer common questions concerning wills, prepare you to discuss your needs and desires with an attorney, and provide a convenient form from which to record important information. This worksheet starts the will preparation process. After you complete it, you will discuss your will with an attorney. IF YOU HAVE ANY QUESTIONS THAT ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE DISCUSS THEM WITH AN ATTORNEY.

FREQUENTLY ASKED QUESTIONS ABOUT WILLS

Q. What is a will?

A. A will is a legal document that states your desires concerning what will happen to your property after your death. A will also contains other specific directions from you concerning who is to implement your instructions and perhaps, who will care for any minor children you may leave behind.

Q. Why should I have a will?

A. If you should die without a valid will, the laws of your state of legal residence will govern the distribution of your property, and in some cases the laws of the state in which you die. Your wishes usually won't be considered.

Q. What is probate?

A. Probate is a court procedure by which a will is proved to be valid or invalid. Probate proceedings also address the administration of your estate, taxes, the guardianship of children, etc.

Q. Is all of my property controlled by my will when I die?

A. No. For example, proceeds of insurance policies are distributed as you have designated in the insurance policy, and property that you own jointly with another person will normally go to the other joint owner.

Q. How do I determine my legal residence and what difference does it make to my will?

A. Your legal residence is a place where you have been and which you consider your home. If you are on active duty or are the family member of an active duty service member, your legal residence is the place you intend to return to when you leave the services. Your legal residence is important to your will because when you die, the laws of your state of legal residence will be used to interpret and implement your will.

Q. What is a personal representative?

A. A personal representative is a person that you name in your will to carry out your desires as expressed in your will and to settle your estate. Settlement includes paying from your estate any taxes and debts you may owe. Many married people name their spouse as their personal representative. Often, a security fee or bond is required of this person. However, most states allow you to specify in your will that you want the fee waived for your personal representative. Your personal representative will have an important role, choose him or her with care and discuss the matter with him or her. Be aware that the person you name is one you must trust and have confidence in.

Q. How should I leave my property?

A. Generally speaking, you may state in your will that you are leaving your property to any one you wish, although there are laws in some states which may give your spouse and/or your children a right to a portion of your property, most married persons leave all their property to their spouse, and, if their spouse does not outlive them, then to their children.

Q. Can I just write a letter to tell how I want to leave my property?

A. Some states allow you to write a memorandum to your personal representative to tell him or her how to dispose of your property. You should discuss this with your attorney.

Q. What if I want someone to manage my children's money and property for them?

A. As a part of your will, you may name someone to be a financial custodian to manage any money or property that you leave to any child under 18 years old. Most states have a simple method of appointing an adult to be the custodian for the child's property. If you are interested in this sort of an arrangement, you should discuss it with the person who you want to name as custodian and then discuss it with your attorney.

Q. Can I give specific gifts to people?

A. Yes, these are called specific bequests and you may make them by fully describing what you want to give and the person who is to receive it. You should be careful about specific bequests. If you dispose of the property that you describe, or if there is any doubt about the exact property that you described in your will, you may be creating difficulties for your personal representative.

Q. What is a guardian?

A. A legal guardian is the person who will act as a parent for any of your children who are minors at the time of your death. Normally, if your spouse survives you, he or she becomes the children's guardian if he or she is the biological or adoptive parent of the children. However, it is recommended that you name a guardian and an alternate guardian in the event that both you and your spouse die. If you or your spouse have children not born of your current marriage, you should discuss the situation in detail with an attorney to determine the most appropriate way to provide for the children.

CENTER JUDGE ADVOCATE – WILL WORKSHEET

1. Date: _____
2. Print your full name (*First, Middle, and Last*): _____
3. Social Security Number: _____ - _____ - _____
4. Duty telephone number: _____ Home telephone number: _____

5. STATE OF LEGAL RESIDENCE:			6. STATE IN WHICH YOU ARE NOW LIVING:		
7. MARTIAL STATUS (Please place an “x” in the box with your status)					
<input type="checkbox"/> Never married			<input type="checkbox"/> Married – Spouse’s name:		
<input type="checkbox"/> Previously married			<input type="checkbox"/> Widow/Widower		
8. PLEASE LIST THE NAMES AND AGES OF ALL OF YOUR NATURAL CHILDREN, ADOPTED CHILDREN, OR STEPCHILDREN			9. MILITARY STATUS (Please place an “x” in the box with your status)		
AGE	NAME			<input type="checkbox"/> Never a service member/Dependent	
				<input type="checkbox"/> Active duty – Pay grade:	
				<input type="checkbox"/> Former service member – Pay Grade:	
10. WHO IS THE PERSON(S) YOU WISH TO NAME AS PERSONAL REPRESENTATIVE OF YOUR WILL? (Please place an “x” in the box with your status)					
<input type="checkbox"/> Spouse			<input type="checkbox"/> Other (Print name, city, state, and relationship to you):		
11. DO YOU WISH TO NAME AN ALTERNATE PERSONAL REPRESENTATIVE?					
Print name, address, and relationship to you:					
12. HOW DO YOU WANT TO LEAVE YOUR PROPERTY WHEN YOU DIE? (Please place an “x” in the box with your status)					
<input type="checkbox"/> All to spouse			<input type="checkbox"/> Other:		
13. IF THE PERSON (S) NAMED IN #12 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY? (Please place an “x” in the box with your status)					
<input type="checkbox"/> Your children			<input type="checkbox"/> Other:		
14. IF THE PERSON (S) NAMED IN #13 DOES NOT OUTLIVE YOU, THEN WHO DO YOU WANT TO HAVE YOUR PROPERTY? (Please place an “x” in the box with your status)					
<input type="checkbox"/> Your grandchildren			<input type="checkbox"/> Other:		
15. IF YOU HAVE ANY CHILDREN WHO ARE MINORS AT THE TIME OF YOUR DEATH, WHO IS YOUR FIRST CHOICE TO BE THEIR LEGAL GUARDIAN(S)? (Please place an “x” in the box with your status)					
<input type="checkbox"/> Spouse			<input type="checkbox"/> Other:		
16. DO YOU WISH TO NAME AN ALTERNATE GUARDIAN?					
Name and relationship to you:					
MAKE NOTES ABOUT ANYTHING ELSE IN YOUR WILL THAT YOU WANT TO DISCUSS WITH YOUR ATTORNEY:					
Trustee:			Alternate Trustee:		